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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,091	07/11/2003	Masahiko Sameshima	001273B	1945

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EXAMINER

KUHNS, ALLAN R

ART UNIT PAPER NUMBER

1732

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,091

Applicant(s)

SAMESHIMA ET AL.

Examiner

Allan Kuhns

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference (54-60366) as set forth in the previous Office action.

3.Applicants' arguments filed April 13, 2006 have been fully considered but they are not persuasive. Applicants argue, with regard to claim 2, that through-holes are formed in the molded article of the present invention while in Sugahara, such holes are not formed because the teeth are retracted after filling the starting material beads. But claim 2 is silent with regard to the presence or absence of through-holes.

Concerning air orifices and claim 2, applicants state that it is not necessary that claim 2 includes the structure shown in Figure 3. This is not fully understood by the examiner, as instant claim 2 only requires that the core mold and cavity mold be devoid of air orifices "in those molding sections for molding prominent areas of the outside face of a molded article". Applicants also argue that even though air orifices are omitted from the drawings of Sugahara, it is necessary to form air orifices in molds to supply steam or bead starting material. But this argument appears to be inconsistent with the language of instant claim 3 which requires that air orifices be "completely" omitted from all molding sections of the core mold and cavity mold.

Concerning through-holes of molds, applicants argue that in claim 2 of the present invention, teeth are fixed while in Sugahara, through-holes 24 for teeth are formed in the molds. This is not persuasive because the language of claim 2 is such that the teeth would only need be fixed for a moment in time for the claims to be readable on Sugahara.

Applicants' arguments concerning complexity of mold structure, relative to that of Sugahara, and potential bending of teeth due to the pressure of starting materials, are noted by the examiner, but they appear not to be commensurate in scope with the claims at issue. Applicants' arguments concerning the presence of many air orifices in Sugahara which would tend to diminish the appearance of a molded article are also noted by the examiner, but these air orifices do not appear to be explicitly taught or illustrated by Sugahara.

Returning to the discussion of air orifices, applicants argue that when the volume of a mold cavity is as large as that described in Sugahara, air orifices are essential structures as shown in Figure 3 of the present invention. Applicants then argue that "(a)lthough air orifices are not disclosed in Figs. 1 and 2 of Sugahara, it would be obvious to one of ordinary skill in the art that air orifices 18 are provided, as shown in Fig. 3 of the present invention". But then relying upon this admission by applicants, it is the examiner's position that there would be no basis for the examiner to identify patentable subject matter based on distinctions in air orifice structure in the instant claims versus that shown by Sugahara.

4.THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allen R. Kuhns
ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732
6-20-06